



Administrative Policy

ACCESS TO CITY BUILDINGS OR FACILITIES DURING A MEDICAL EPIDEMIC OR PANDEMIC

AP No.

AP 3-39

Effective Date:

June 1, 2020

1. POLICY STATEMENT

This City of Houston ("City") intends to minimize the impact of a medical epidemic or pandemic by providing standard procedures and guidelines for screenings, including body temperature readings of people entering City of Houston ("City") Premises and requiring the use of face coverings in City Premises, based on guidance from the Centers for Disease Control and Prevention ("CDC"), if applicable, such as the CDC's guidance for responding to COVID-19, as amended from time to time. The City is implementing these procedures and requirements in an effort to reduce the spread of an epidemic or pandemic disease in the workplace, provide a safe working environment for City employees, and protect the visiting public.

2. SCOPE

This policy applies to all persons entering any City Premises, including but not limited to City employees, City contractors, tenants, and guests (including members of the general public). This policy does not apply to non-City employees entering the buildings housing the City of Houston Municipal Courts. Such non-City employees shall be subject to the COVID-19 Operating Plan for the City of Houston Judiciary ("Plan") approved by the Presiding Judge of the Eleventh Administrative Judicial Region, as the Plan is amended from time to time.

3. DEFINITIONS

Building Manager: A person assigned to handle the day-to-day operations of a City Premises.

City Employee: Any person who is an employee of the City, including but not limited to interns and temporary employees. For purposes of this policy, this term includes elected officials of the City of Houston, members of City boards and commissions, municipal court judges, and City volunteers.

City Premises: A building or facility that is owned by the City or is in the possession of the City by a lease or other right and that is regularly occupied by City employees and utilized for the purpose of conducting City business. The portion of a premises, if any, to which this policy applies includes any building or portion of a building that is under the control of the City. City Premises does not include (i) City airports (i.e. George Bush Intercontinental, William P. Hobby and Ellington airports) or (ii) buildings or areas of buildings, managed by an entity to whom the City has authorized to provide its own security (i.e. Houston First Corporation).

Citywide FMLA Coordinator: A person designated by the Human Resources (HR) Director to assist in administering, coordinating, and facilitating the process established by the Family Medical Leave Act for the entire City.

Department FMLA Coordinator: A person designated by the HR Director to assist in administering, coordinating and facilitating the processes established by the Family Medical Leave Act within a specified department.

Epidemic: The occurrence of more cases of a disease than would be expected in a community region during

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a given period of time.

Face Covering: A covering made from cloth or similar materials that effectively covers an individual's mouth and nose. For purposes of this policy, this term includes homemade cloth masks, scarves, bandanas, handkerchiefs, neck gaiters, clinical masks, specialized medical grade or surgical masks, as well as N95 or K95 respirators or filtered masks.

FMLA Coordinator: Means either the Citywide FMLA Coordinator or the Department FMLA Coordinator or both.

Informal Positive Corrective Action: Means and includes any one or more of the following actions: informal discussion, coaching, or performance improvement discussion as each is described in section 7.4 of [A.P. 3-7: Positive Corrective Action Program](#).

Medically tolerate a face covering: Means a person who does not have a medical or physical condition that would prevent the person from wearing a Face Covering. For purposes of this policy, a non-City employee who is under the age of 2, has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the Face Covering without assistance is not able to medically tolerate a Face Covering. A City Employee who has been granted a medical accommodation pursuant to [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#) is not able to medically tolerate a Face Covering, including without limitation any employee who was granted an accommodation for any of the reasons applicable to a non-City employee who is deemed not able to medically tolerate a Face Covering.

Pandemic: An epidemic over a wide geographic area and affecting a large portion of the population.

Pandemic Containment Coordinator (Coordinator): A individual designated in compliance with all other City policies by the Directors of HR or the General Services Department or their designee who is responsible for the overall coordination of the disease containment screening process for a City Premises.

Pandemic Containment Manager (PCM): An individual designated to administer the daily screening procedures to enter a City Premises.

4. POLICY DETAILS

4.1 This policy may be activated, suspended, or terminated in whole or in part (i.e. the temperature screening procedure or Face Covering requirement) at the discretion of the Mayor of the City of Houston or the Mayor's designee.

5. ROLES AND RESPONSIBILITIES

5.1 The Pandemic Containment Coordinator shall:

5.1.1 Recommend to and assist the Building Managers with the development of the site assignments and work schedules of Pandemic Containment Managers to ensure adequate coverage for all entrances to City Premises that are subject to the screening procedures contained in this policy.

5.1.2 Provide appropriate personal protective equipment (PPE) such as masks, gloves, and sanitizers to Pandemic Containment Managers to enable them to perform screenings in a safe manner.

5.1.2.1 Ensure that the necessary supplies are available each day the City Premises is open to City Employees and others seeking access to the City Premises.

5.1.2.2 In coordination with the PCMs, monitor and anticipate the supply needs for each City Premise for which the Coordinator is responsible.

5.1.2.3 Work with the City's Office of Emergency Management and/or Strategic Procurement

Division to ensure that supplies are purchased timely and delivered to the City Premises for which the Coordinator is responsible.

- 5.1.3 Notify the Building Manager if a City Premises needs notices or informational posters to be posted, which materials will outline the screening procedures set forth in this policy and the symptoms of or other information regarding the disease that has been declared an epidemic or pandemic at every entrance and exit to a City Premises that is subject to the screening procedures contained in this policy.
- 5.1.4 Provide copies of this policy and provide ongoing training and instructional materials to Pandemic Containment Managers.
- 5.1.5 Provide instruction to Pandemic Containment Managers on the use of “no touch” thermometers and training on the screening process contained in this policy.
- 5.1.6 After consultation with the Directors of the Health, Legal, and the Human Resources Department or their designees, disseminate written guidance to the Pandemic Containment Managers regarding any updates, policy revisions, or changes to the FMLA referral process.
- 5.1.7 Ensure that Pandemic Containment Managers provide to the Department FMLA Coordinators the information this policy requires the PCMs to those coordinators.
- 5.1.8 Work closely with the Pandemic Containment Managers to address any issues or questions in a timely, professional, and courteous manner.

5.2 The Pandemic Containment Managers (PCM) shall, for their respective City Premises:

- 5.2.1 Perform daily screenings.
- 5.2.2 Deny access to any City Premises to any individual who has a temperature of 38C/100.4F or above. The PCM shall deny access in a courteous and professional manner.
- 5.2.3 Deny access to any City Premises to any individual who refuses to wear a Face Covering.
- 5.2.4 Refer to the Department FMLA Coordinator any City Employee who has a temperature of 38C/100.4F or above or any employee who has self-identified that he or she may have symptoms or other evidence of exposure to the disease for which the PCM is screening per CDC guidance and/or guidance from the local public health authority.
- 5.2.5 Wear the PPE provided by the Coordinator while conducting screenings under this policy.
- 5.2.6 Ensure social distancing is adhered to when conducting screening and when persons are waiting to be screened under this policy.
- 5.2.7 Avoid any physical contact with persons being screened.
- 5.2.8 Complete any training requirements established by this policy or as provided by the Pandemic Containment Coordinator.
- 5.2.9 Conduct all screenings at City Premises in a professional and courteous manner, at the scheduled times assigned by the Coordinator and in accordance with this policy or any updated written guidance disseminated by the Coordinator.
- 5.2.10 Maintain the confidentiality of all personal or medical information learned of or obtained during the screening process.

- 5.2.11 Adhere to all procedures established by this policy and adhere to the approved work schedule as approved by the Coordinator. If for any reason the PCM cannot meet that work schedule, the PCM must inform the Coordinator as soon as possible, preferably at least 12 hours before the PCM's scheduled time so that the Coordinator can replace that PCM on the schedule.
- 5.2.12 Ensure that the necessary supplies are maintained such as badge buddies or wrist bands, masks, batteries for the thermometers, thermometers, and gloves.
- 5.2.13 Anticipate the supply needs for the week and coordinate with the Pandemic Containment Coordinator to have the necessary supplies on hand.

5.3 Each City Employee shall:

- 5.3.1 Monitor their health and report any symptoms of the epidemic or pandemic disease identified by the CDC and/or other local public health official to their Department FMLA Coordinator.
- 5.3.2 Cooperate with the Pandemic Containment Manager, including providing truthful and accurate information in response to the PCM's questions and requests and following the PCM's instructions regarding notifying the employee's supervisor or Department FMLA coordinator, where applicable.
- 5.3.3 Immediately notify their supervisor that the Pandemic Containment Manager denied the employee entrance into the City Premises and the reason for the denial (e.g. the employee's refusal to submit to the temperature screening, the employee had a temperature greater than or equal to 38C/100.4F, had symptoms or other evidence of exposure to the disease per CDC guidance and/or guidance from the local public health authority, or the employee's refusal to wear a Face Covering).
- 5.3.4 Not report to work if the employee has a fever greater than or equal to 38C/100.4F and notify their supervisor and Department's FMLA Coordinator of the absence.
- 5.3.5 Contact the employee's Department FMLA Coordinator for additional screening when any one or more of the following occur:
 - 5.3.5.1 The employee has any of the symptoms of the epidemic or pandemic disease that have been identified by the CDC and/or local public health authority or has had any of the symptoms of the disease within 24 hours of reporting to work; or
 - 5.3.5.2 The Pandemic Containment Manager informs the employee he or she has a temperature reading equal to or greater than 38C/100.4F.
- 5.3.6 If necessary, request an accommodation for any practice outlined in this policy in accordance with [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#).
- 5.3.7 Follow the procedures outlined in this policy.

5.4 The Department FMLA Coordinator shall:

- 5.4.1 Conduct additional screenings on City Employees referred to the Department FMLA Coordinator to make a recommendation to the employee's Department Director or designee as to whether the employee should be granted access to City Premises.
- 5.4.2 Refer employees who meet the criteria for additional screening to the Citywide FMLA Coordinator.
- 5.4.3 Store any screening records in compliance with the City's retention records schedule and in a

safe and secure manner to maintain the confidentiality of the records. Records containing a City Employee's medical information must be maintained in a separate file and kept confidential, such as the City's medical file for that employee.

5.5 The Citywide FMLA Coordinator shall:

- 5.5.1 Conduct additional screenings on City Employees who are referred to the Citywide FMLA Coordinator.
- 5.5.2 Provide information to the City Employee's Department Director or designee for a determination on whether the employee should be permitted in the workplace.
- 5.5.3 Store any screening records in compliance with the City's retention records schedule and in a safe and secure manner to maintain the confidentiality of the records. Records containing a City Employee's medical information must be maintained in a separate file and kept confidential, such as the City's medical file for that employee.

5.6 The Building Manager shall:

- 5.6.1 Collaborate with the Coordinator(s) regarding the implementation of this policy.
- 5.6.2 Assist in establishing the screening area to ensure that all individuals can be screened appropriately.
- 5.6.3 Collaborate with the Coordinator and Pandemic Containment Managers on the placement of signage such as signage relating to social distancing, Face Coverings, and the denial of entry to any person who may have a temperature of 38C/100.4F or above.
- 5.6.4 In collaboration with the Coordinator and the PCMs, establish the location to place appropriate signage regarding the screening process to alert the public of the process prior to arriving at the screening area.

6. PROCEDURES

6.1 Temperature Screening Procedure:

- 6.1.1 After obtaining consent to take an individual's body temperature or the consent of the individual's guardian, the Pandemic Containment Manager shall use a "no-touch" thermometer to take an individual's body temperature for each person older than 2 years of age attempting to enter the City Premises, while adhering, to the extent feasible, to social distancing requirements.
- 6.1.2 Individuals admitted to any City Premises may be required to submit to another temperature screening upon entry or re-entry to any City Premises during the same day as the initial screening.
- 6.1.3 The PCM should inform the individual to direct any questions about the person's health to the individual's health care provider.
- 6.1.4 The Pandemic Containment Manager shall deny access to the City Premises to any individual or the guardian of any individual older than 2 years of age who refuses to have his or her temperature taken. The PCM shall courteously inform the individual refusing to have his or her temperature taken that the person cannot, pursuant to City policy, enter the City Premises.
 - 6.1.4.1 If a City Employee refuses to have his or her temperature taken, the Pandemic Containment Manager shall notify the employee's Department FMLA coordinator of the employee's refusal and instruct the employee to notify his or her supervisor. The Department FMLA Coordinator shall notify the employee's supervisor.

- 6.1.4.2 A Department Director or his or her designee shall code the City Employee's time as AWOL and not pay the employee for the time not spent at work when the Pandemic Containment Manager refuses to admit the employee into the workplace due to the employee's refusal to submit to the temperature screening required by this policy.
- 6.1.5 If the person's temperature is 38C/100.4F or above, the PCM shall deny the person access to the City Premises.
- 6.1.6 The Pandemic Containment Manager shall courteously inform the individual that they cannot, pursuant to City policy, enter the City Premises if the person has a temperature of 38C/100.4F or above. The PCM should pull the individual aside and away from the regular screening queue and in a quiet and professional manner inform the person that due to his or her temperature, the person cannot enter.
- 6.1.7 If the PCM denies a City Employee access to the City Premises due to the employee having a temperature of 38C/100.4F or above, the PCM shall, for each employee:
 - 6.1.7.1 Instruct the employee to immediately contact his or her supervisor and Department FMLA Coordinator, by phone and/or email, for additional screening.
 - 6.1.7.2 Record the City Employee's name, department in which he or she works, and supervisor's name.
 - 6.1.7.3 Submit the information gathered under this section to the City Employee's Department FMLA Coordinator as soon as practicable after an employee has been denied access but no later than four hours after the screening is conducted and inform the Department's FMLA Coordinator of the need for additional screening.
 - 6.1.7.4 The Pandemic Containment Manager shall not divulge any of the City Employee's personal, medical, or confidential information except on a need-to-know bases to appropriate City personnel (i.e. the FMLA Coordinator).
- 6.1.8 City Employees may utilize appropriate leave to cover their absence from work or be maintained in an unpaid status when denied entrance by the Pandemic Containment Manager due to having a fever equal to or greater than 38C/100.4F.
- 6.1.9 City Employees who are delayed to their workplace due to participation in the temperature screening pursuant to this policy, shall not be recorded as tardy for the purposes of any City or department attendance policy. City Employees who are delayed to their workplace due to participation in screening pursuant to this policy should be allowed to adjust their work schedules to ensure they are paid for their entire shift. Adjusting work schedules, should include but is not limited to adjusting their meal break, working beyond their assigned shift, and/or using accrued appropriate leave, if requested by the employee and approved by the supervisor.
- 6.1.10 If, at any time during the temperature screening process, the PCM believes that the situation is escalating, the PCM should immediately notify building security and if building security is not available, then notify the Coordinator and the Building Manager.
- 6.1.11 The Pandemic Containment Manager shall refer to the Department FMLA Coordinator any City Employee who self identifies that within the last 24 hours they have had any symptoms, as identified by the CDC and/or the local public health authority, of the epidemic or pandemic disease, and/or who provides other evidence of exposure to the disease per CDC guidance and/or guidance from the local public health authority.

- 6.1.12 Except as otherwise authorized in this policy, the Pandemic Containment Manager shall not write down or otherwise in any way record, any of the personal or medical information provided or obtained during the screening process. This prohibition is applicable to the screening for both City Employee's and non-City employees. Any personal or medical information obtained by the PCM during the screening process or in otherwise implementing this policy is considered confidential and should not be discussed with friends or colleagues. The PCM may share medical information with the FMLA Coordinator.
- 6.1.13 If the PCM notifies the Department FMLA Coordinator of a City Employee who has a fever equal to or greater than 38C/100.4F or self-identified as having had any symptoms, as identified by the CDC and/or the local public health authority, of or exposure to the epidemic or pandemic disease, the Department's FMLA Coordinator shall contact the City Employee and the employee's immediate supervisor, if the Department's FMLA Coordinator has not already made contact in compliance with any other procedures for screening employees in the workplace during the medical pandemic or epidemic.
- 6.1.14 The temperature screening process does not apply to (a) any individual under 2 years of age, and (b) emergency services personnel, such as firefighters or law enforcement officers, or other personnel, entering City Premises to respond to an emergency. An alternate temperature screening process may be employed, on a case by case basis, as a medical accommodation upon request by the person to be screened, to the extent the HR Director, in consultation with the Directors of the Legal and Health Departments, or their designees, as appropriate, determines an alternate process, that fulfills the purpose of this policy, is warranted. City Employee accommodation requests will be handled in accordance with [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#).
- 6.1.15 A City Employee's failure to comply with the temperature screening process and procedures and obligations imposed on the employee in relation to the same may result in positive corrective action, at the discretion of the employee's Department Director or designee, as outlined in [A.P. 3-7: Positive Corrective Action Program](#).

6.2 Face Covering Requirement:

- 6.2.1 All individuals over the age of 2 and able to medically tolerate a Face Covering shall wear a Face Covering that fully covers the individual's nose and mouth upon entering the City Premises and while on City Premises in an area where social distancing measures are difficult to maintain. Areas where social distancing measures are difficult to maintain may include, but are not limited to elevators, restrooms, meeting rooms or offices where people cannot sit at least six feet apart from each other, copier or break rooms, or other interactions with the public or other City Employees where the participants cannot maintain social distancing of six feet or greater. Conversely, a City Employee is not required to wear a Face Covering while the employee is alone in his or her office or cubicle or in a cubicle or work area that is more than six feet from the next cubicle or work area.
- 6.2.2 Individuals who are unable to medically tolerate a Face Covering must inform the Pandemic Containment Manager.
- 6.2.3 The Pandemic Containment Manager shall deny access to the City Premises to any individual over the age of 2 and able to medically tolerate a Face Covering who refuses to wear a Face Covering that fully covers the individual's nose and mouth. The PCM shall courteously inform the individual refusing to wear a Face Covering that the person cannot enter the City Premises, pursuant to City policy. If the PCM believes that the situation is escalating, the PCM should immediately notify building security and if building security is not available, then notify the Coordinator and the Building Manager.
- 6.2.3.1 If the PCM denies a City Employee access to the City Premises for refusal to wear a Face Covering, the PCM shall, for each employee:

6.2.3.1.1. Record the City Employee's name, department in which he or she works, and supervisor's name.

6.2.3.1.2. Instruct the employee to contact his or her supervisor.

6.2.3.1.3. Submit the information obtained under this Section to the employee's Department's FMLA coordinator as soon as practicable after an employee has been denied access but no later than four hours after the denial of entry. The Department FMLA Coordinator shall notify the employee's supervisor.

6.2.4 The Pandemic Containment Manager may temporarily admit a City Employee who does not have a Face Covering upon entry if the employee indicates the Face Covering is in or available at the employee's workspace, provided the City employee gives the PCM the employee's name, department in which he or she works, and supervisor's name. The PCM shall report the names of all such City employees to the employee's Department FMLA Coordinator on a daily basis and the Department FMLA Coordinator shall notify the employee's supervisor.

6.2.5 City Employees may request an accommodation to the Face Covering requirement of this subsection from their (1) immediate supervisor; (2) Departmental ADA Liaison; or (3) Citywide ADA Coordinator as outlined in [A.P. 3-34: Reasonable Accommodation Policy for Employees and Applicants with Disabilities](#).

6.2.6 If a City Employee knows he or she is unable to medically tolerate a Face Covering, the employee shall use all reasonable diligence in requesting an accommodation.

6.2.7 The City may, but is not required to, provide Face Coverings to City Employees or members of the public who wish to enter a City Premises.

6.2.8 City Employees must ensure that any Face Covering they wear has a professional and businesslike appearance. City Employees are prohibited from wearing Face Coverings that contain or display any wording, images, or logos that are inappropriate for the workplace (e.g. derogatory or offensive pictures, epithets, lewd symbols, or profanity).

6.2.9 Supervisors should endeavor to utilize reminders, education, and warnings to obtain compliance with the Face Covering requirement in this policy. However, where circumstances warrant it, a City Employee's repeated failure to comply with the Face Covering requirements of this policy may result in Informal Positive Corrective Action (i.e. informal discussion, coaching or performance improvement discussion), at the discretion of the City Employee's Department Director or designee, as outlined in [A.P. 3-7: Positive Corrective Action Program](#).

7. RELATED DOCUMENTS AND INFORMATION

- Attachment A – FMLA Coordinators' Contact Information

8. POLICY SPONSOR

Department: Human Resources Department and General Services Department